

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3057 of 2017

Navaneethan
S/o Natesan

.. Petitioner

-vs-

1. The Executive Officer
Vadalur Town Panchayat
Vadalur
Kurinjipadi Taluk
 2. Director of Town Panchayat / Collector
Cuddalore District
Cuddalore
 3. The Director
Town Panchayat Department
Kuralagam, Broadway
Chennai
 4. The Assistant Director
Town Panchayat Department
Beach Road
Cuddalore 607 001
 5. Chandrahasan
S/o Govindaraj
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records and quash the proceedings of the first respondent in his Na.Ka.No.673/2015/A2 dated 02.11.2016 and consequently directing the first respondent to accept the petitioner as a tenant of ground floor of shop No.8, Bus Stand Complex, Vadalur, Kurinjipadi Taluk, Cuddalore District.

For Petitioner ::	Mr.D.Baskar
For Respondents	:: Mr.N.Roofus Abraham for R1
	Mr.R.Govindasamy
	Special Government Pleader for
	R2 to 4

ORDER

The petitioner has come to this Court questioning the correctness of the impugned order dated 2.11.2016, in and by which the first respondent has charged the petitioner that he has become a sub tenant without his knowledge. In view thereof, the request of the petitioner to de-seal the Shop No.8 in the ground floor situated at the bus stand complex, Vadalur, Kurinjipadi Taluk, Cuddalore District was refused.

2. Learned counsel for the petitioner submitted that when the petitioner became a tenant of the Shop No.8 in the ground floor situated at the bus stand complex, Vadalur, Kurinjipadi Taluk, Cuddalore District from 1995, he has been doing the business in the name and style of 'Satish Medicals' and the last monthly rental was Rs.2,370/-. While so, without any prior notice, the Executive Officer, Vadalur Town Panchayat, the first respondent herein on 10.3.2011 sealed his shop. Although the petitioner protested and pointed out that no prior notice was given and that the principles of natural justice were also violated, the first respondent refused to de-seal the shop and all his requests to leave it open also went in vain. Hence, he gave a representation on 4.2.2016 to the respondents 1 to 4. In spite of serving the said representation, they refused to consider the same, which compelled the petitioner to approach this Court by filing W.P.No.16380 of 2016 seeking a mandamus directing the respondents 1 to 4 to consider his representation dated 4.2.2016. This Court, considering the limited prayer made by the petitioner, by order dated 29.4.2016, permitted the petitioner to pursue his representation before the first respondent. Accordingly, he gave another representation on 27.6.2016 followed by a reminder on 3.10.2016 to the first respondent. Pursuant thereto, the first respondent sent a reply to the petitioner stating that in view of the pendency of the suit, no decision can be taken. That shows that the first respondent is openly supporting the fifth respondent. Therefore the impugned order is liable to be set aside. Adding further, the learned counsel for the petitioner submitted that the very basis for refusing the request of the petitioner in the impugned reply shows that the pendency of the suit in O.S.No.123 of 2011 on the file of the learned Principal District Munsif, Cuddalore filed by the fifth respondent has been cited as a reason for not considering his representation to open the shop. When the suit itself was dismissed for default on 4.8.2015, the first respondent has not duly applied his mind. Hence, the impugned order is liable to be set aside.

3. But this Court is still not inclined to entertain the writ petition for the sole reason that when the petitioner has come to this Court seeking invocation of the extraordinary

jurisdiction of this Court under Article 226, on the ground that he has become a tenant under the first respondent from 1995, there is a specific allegation made by the first respondent against the petitioner in the impugned reply that he has become a sub tenant without his knowledge. When the petitioner has not produced any relevant document to show that he has become a principal tenant under the first respondent on payment of a monthly rent, he cannot come to this Court, as he has no locus standi. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.2984 of 2017 is also dismissed. No costs.

4. After the order was pronounced, the learned counsel for the petitioner requested this Court to permit the petitioner to remove all his belongings/stocks, namely, medicines, drugs, etc., kept inside the shop after de-sealing the same. As the learned counsel for the first respondent has no objection for removal of the stocks by the petitioner, the first respondent is directed to de-seal the Shop No.8 in the ground floor situated at the bus stand complex, Vadalur, Kurinjipadi Taluk, Cuddalore District for two days, to enable the petitioner to remove all his stocks kept inside the said shop.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Executive Officer
Vadalur Town Panchayat
Vadalur
Kurinjipadi Taluk

2. The Director of Town Panchayat / Collector
Cuddalore District
Cuddalore

3. The Director
Town Panchayat Department
Kuralagam, Broadway
Chennai

4. The Assistant Director
Town Panchayat Department
Beach Road
Cuddalore 607 001

+lcc to Mr.R. Gururaj, Advocate, S.R.No.7869

+lcc to the Government Pleader, S.R.No.8329

nri(CO)
md(20/03/2017)

W.P.No.3057 of 2017



WEB COPY